

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Examiner: Saunders, David A.

Application No.: 10/589,931

Group Art Unit: 1644

Filed: October 16, 2006

Docket: 1567-7 PCT/US

For: ISOLATED PLASMA AND  
METHOD FOR  
HYPERIMMUNISATION AND  
PLASMA COLLECTION

Dated: March 3, 2009

Confirmation No: 2429

Dated: March 3, 2009

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Signature: K.J. Goodhand / 

## **RESPONSE TO RESTRICTION REQUIREMENT**

This submission is in response to the Office Communication mailed on February 3, 2009, a response to which is due on **March 3, 2009**.

No fees are believed to be due. If, however, it is determined that any fees are due, the Commissioner is hereby authorized to charge payment of any fees associated with this communication, or credit any overpayment, to Deposit Account No. 08-2461. Such authorization includes authorization to charge fees for extensions of time, if any, under 37 C.F.R. §1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. §1.136.

Application No: 10/589,931

Response to Restriction Requirement dated March 3, 2009

Restriction Requirement mailed February 3, 2009

Docket No. 1567-7 PCT/US

Page 2

The Examiner has required restriction under 35 U.S.C. §121 and 372 to one of the following groups, which the Examiner has identified as distinct inventions and characterized as follows:

**Group I:** Claims 1-7, 33-38 and 49-51, drawn to a method of isolating canine plasma.

**Group II:** Claims 55-61 and 67-70, drawn to isolated canine plasma and methods of its use in treatment of canines.

In reply to the Restriction Requirement, Applicant elects to prosecute the invention of **Group I** (corresponding to claims 1-7, 33-38 and 49-51) with traverse. Applicant reserves the right to pursue the non-elected subject matter in a divisional application.

Furthermore, the Examiner has required an additional election of the species of antigen to be administered to induce an immune response for claims 33-38 and 49-51 of Group I whereby in order for more than one species to be examined, the appropriate additional examination fee must be paid. The species are as follows:

- distemper virus
- canine adenovirus type 2 (CAV2)
- canine parvovirus type 2 (CPV2)
- canine parainfluenza virus
- *Bordetella bronchiseptica*
- *E. coli*

In reply, Applicant elects *E. coli*. However, Applicant submits that distemper virus, canine adenovirus type 2 (CAV2), canine parvovirus type 2 (CPV2), canine parainfluenza virus, *Bordetella bronchiseptica* and *E. coli* are all canine animal pathogens. Applicant further submits that antigens derived from these pathogens are all substances that are capable of stimulating B lymphocytes to produce pathogen-specific antibodies in a canine animal host. Thus, no serious burden would be placed on the Examiner to search and examine this application with respect to distemper virus, canine

Application No: 10/589,931  
Response to Restriction Requirement dated March 3, 2009  
Restriction Requirement mailed February 3, 2009  
Docket No. 1567-7 PCT/US  
Page 3

adenovirus type 2 (CAV2), canine parvovirus type 2 (CPV2), canine parainfluenza virus and *Bordetella bronchiseptica*.

It is respectfully submitted that the restriction requirement has been fully addressed. Favorable action is respectfully solicited. If the Examiner has any questions with respect to this matter, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. Zaradic".

Sandy Zaradic  
Registration No. 45,997  
Attorney for Applicant

HOFFMANN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, New York 11791  
(973) 331-1700